

**U.S. Bankruptcy Court
Southern District of New York (Manhattan)
Adversary Proceeding #: 05-01834-alg**

Assigned to: Judge Allan L. Gropper
Related BK Case: 05-13634
Related BK Title: Delafield 246 Corp.
Related BK Chapter: 11
Demand:

Date Filed: 05/26/05

Nature[s] of Suit: 435 Validity/Priority/Extent Lien

Plaintiff

Delafield 246 Corp.
80 Dupont Avenue
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Tax id: 11-3075819

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Filing Date	#	Docket Text
05/26/2005	<u>1</u>	Complaint against City of New York, Delafield Homeowners Association, Inc., Martin Rapoport, Rivka Rapoport, Mark Lidagoster, Lydia Lidagoster, Alan Stark, Joan Stark, Michael Rubin, Annette Rubin, Harold Enten, Barbara Strassberg, Alex Mullen, Elena Starosta-Mullen, Erik Mintz, Randi Carrey, Bruce Soloway, Selene Soloway, Benjamin B. Schermin, Shelly Schermin, F. Brower Moffitt, Jayne Moffitt, Deborah A. MacFarlane, Mark Soltz, Carol Soltz, Kenneth Freedman,

		Gloria Freedman Filed by Daniel A. Zimmerman, Delafield 246 Corp., City of New York, Delafield Homeowners Association, Inc. on behalf of Delafield 246 Corp.. (Attachments: # <u>1</u> Adversary Proceeding Cover Sheet) (Zimmerman, Daniel) (Receipt #160024) Modified on 6/16/2005. (Tetzlaff, Deanna) (Entered: 05/26/2005)
05/26/2005	<u>2</u>	Summons with Notice of Pre-Trial Conference issued by Clerk's Office with Pre-Trial Conference set for 7/12/2005 at 10:00 AM at Courtroom 617 (ALG), Answer due by 6/27/2005, (Leggett, Venice) (Entered: 05/26/2005)
05/27/2005	<u>3</u>	Certificate of Service of <i>Summons With Notice of Pre-Trial Conference In An Adversary Proceeding and Complaint</i> (related document(s) <u>2</u> , <u>1</u>) filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 05/27/2005)
07/29/2005	<u>4</u>	Stipulation - <i>Second Stipulation</i> - filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 07/29/2005)
02/24/2006	<u>5</u>	Motion to Dismiss Adversary Proceeding (<i>First, Nineteenth, Twentieth causes of action</i>) filed by Delafield 246 Corp. filed by Lawrence Jay Brenner on behalf of City of New York. with hearing to be held on 4/5/2006 at 10:00 AM at Courtroom 617 (ALG) (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G# <u>9</u> Exhibit H# <u>10</u> Exhibit I-K# <u>11</u> Exhibit L# <u>12</u> Errata M# <u>13</u> Exhibit N# <u>14</u> Exhibit O# <u>15</u> Exhibit P# <u>16</u> Exhibit Q# <u>17</u> Exhibit R# <u>18</u> Exhibit S part 1# <u>19</u> Exhibit S part 2# <u>20</u> Exhibit S part 3# <u>21</u> Exhibit S part 4) (Brenner, Lawrence) (Entered: 02/24/2006)
02/24/2006	<u>6</u>	Certificate of Service of <i>the Motion of the City of New York to Dismiss the First, Nineteenth and Twentieth Causes of Action of the Amended Omnibus Complaint</i> filed by Lawrence Jay Brenner on behalf of City of New York. (Brenner, Lawrence) (Entered: 02/24/2006)
04/07/2006	<u>7</u>	Notice of Appearance filed by David Carlebach on behalf of Deborah A. MacFarlane. (Carlebach, David) (Entered: 04/07/2006)
04/11/2006	<u>8</u>	Cross Motion to Join filed by Daniel A. Zimmerman on behalf of City of New York. (Attachments: # <u>1</u> Errata aff# <u>2</u> Errata # <u>3</u> Errata # <u>4</u> Errata) (Zimmerman, Daniel) Additional attachment(s) added on 4/28/2006 (Bush, Brent). (Entered: 04/11/2006)
06/19/2006	<u>9</u>	Motion for Summary Judgment , <i>Opposition to Debtor's motion for summary judgment and further support of the City's motion to dismiss</i> filed by Lawrence Jay Brenner on behalf of City of New York. with hearing to be held on 7/20/2006 at 10:00 AM at Courtroom 617 (ALG) (Attachments: # <u>1</u> Pleading Declaration# <u>2</u> Exhibit A# <u>3</u> Exhibit Exhibit B# <u>4</u> Exhibit Exhibit C# <u>5</u> Exhibit Exhibit D# <u>6</u> Errata Brijja Exhibit A# <u>7</u> Errata Brijja exhibit B# <u>8</u> Errata Brijja Exhibit C# <u>9</u> Errata Brijja Exhibit D part 1# <u>10</u> Errata Brijja Exhibit D part 2# <u>11</u> Exhibit Exhibit E# <u>12</u> Exhibit Exhibit F) (Brenner, Lawrence) (Entered: 06/19/2006)
06/19/2006	<u>10</u>	Opposition Brief to <i>Plaintiffs motion for summary judgment and in support of the City's Motion for Summary Judgment and in Further Support of the City's Motion to Dismiss</i> (related document(s) <u>8</u>) filed by Lawrence Jay Brenner on behalf of City of New York. with hearing to be held on 7/20/2006 at 10:00 AM at Courtroom 617 (ALG) (Brenner, Lawrence) (Entered: 06/19/2006)

06/19/2006	<u>11</u>	Statement of Undisputed Facts <i>pursuant to local rule 7056-1 of the Local Bankruptcy Rules for the Southern District of New York</i> filed by Lawrence Jay Brenner on behalf of City of New York. with hearing to be held on 7/20/2006 at 10:00 AM at Courtroom 523 (AJG) (Brenner, Lawrence) (Entered: 06/19/2006)
06/19/2006	<u>12</u>	Certificate of Service <i>of the City's Motion for Summary Judgment, Opposition to Plaintiff's motion for summary judgment, and papers in Further support of the City's Motion to Dismiss</i> filed by Lawrence Jay Brenner on behalf of City of New York. with hearing to be held on 7/20/2006 at 10:00 AM at Courtroom 617 (ALG) (Brenner, Lawrence) (Entered: 06/19/2006)
06/20/2006	<u>13</u>	Memorandum of Law <i>City's Corrected Memorandum of Law in support of its Motion for Summary Judgment, in opposition to Plaintiff's motion for partial summary judgment, and in further support of the City's Motion to Dismiss</i> filed by Lawrence Jay Brenner on behalf of City of New York. (Brenner, Lawrence) (Entered: 06/20/2006)
06/21/2006	<u>14</u>	Statement in Response to Motion of City of New York to Dismiss and for Summary Judgment and in Response to Debtor's Motion to Join NYCTL 2005-A Trust as a Party (related document(s) <u>5</u> , <u>8</u> , <u>9</u>) filed by Martin P. Ochs on behalf of NYCTL 2005-A Trust. (Attachments: # <u>1</u> Affidavit of Service) (Ochs, Martin) (Entered: 06/21/2006)
07/03/2006	<u>15</u>	Motion to Dismiss Case filed by David Carlebach on behalf of Deborah A. MacFarlane. (Attachments: # <u>1</u> Application# <u>2</u> Certificate of Service) (Carlebach, David) (Entered: 07/03/2006)
07/03/2006	<u>16</u>	Supplemental Certificate of Service (related document(s) <u>15</u>) filed by David Carlebach on behalf of Deborah A. MacFarlane. (Carlebach, David) (Entered: 07/03/2006)
07/03/2006	<u>17</u>	Motion to Dismiss Case <i>Exhibit A</i> (related document(s) <u>15</u>) filed by David Carlebach on behalf of Deborah A. MacFarlane. (Attachments: # <u>1</u> Exhibit B) (Carlebach, David) (Entered: 07/03/2006)
08/02/2006	<u>18</u>	Cross Motion for Summary Judgment filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit) (Zimmerman, Daniel) (Entered: 08/02/2006)
08/02/2006	<u>19</u>	Cross Motion for Summary Judgment filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit) (Zimmerman, Daniel) (Entered: 08/02/2006)
08/02/2006	<u>20</u>	Cross Motion for Attachment <i>2nd cross-motion for partial summary judgment</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 08/02/2006)
08/03/2006	<u>21</u>	Amended Motion for Summary Judgment <i>Plaintiff's Amended second notice of cross motion</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 08/03/2006)
08/04/2006	<u>22</u>	Certificate of Service <i>Affidavits of Service</i> filed by Daniel A. Zimmerman on behalf

		of Delafield 246 Corp.. (Attachments: # <u>1</u> Exhibit) (Zimmerman, Daniel) (Entered: 08/04/2006)
08/16/2006	<u>23</u>	Amended Complaint against all defendants <i>First Amended Complaint seeking to determine validity and Extent of Liens, Recovery from Individual Defendants and Delcaratory Relief</i> Filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 08/16/2006)
09/07/2006	<u>24</u>	First Response to Motion of <i>Debra Macfarlane to Dismiss Amended Complaint</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 09/07/2006)
10/11/2006	<u>25</u>	So Ordered Fifteenth Stipulation Signed on 10/10/2006. (Porter, Marguerite) (Entered: 10/11/2006)
10/13/2006	<u>26</u>	Affidavit of <i>Mia Parks in opposition to Debtor's Summary Judgment motion</i> (related document(s) <u>19</u>) filed by Lawrence Jay Brenner on behalf of City of New York. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B) (Brenner, Lawrence) (Entered: 10/13/2006)
10/16/2006	<u>27</u>	Counterstatement of Undisputed Fact filed by Hugh H. Shull III on behalf of City of New York. with hearing to be held on 11/7/2006 at 02:00 PM at Courtroom 617 (ALG) (Shull, Hugh) (Entered: 10/16/2006)
10/16/2006	<u>28</u>	Declaration of <i>Lawrence Brenner in Support of City Motion for Summary Judgment and in Opposition to Plaintiff's Second Cross Motion for Partial Summary Judgment and for Discovery</i> (related document(s) <u>19</u> , <u>18</u> , <u>21</u>) filed by Hugh H. Shull III on behalf of City of New York. with hearing to be held on 11/7/2006 at 02:00 PM at Courtroom 617 (ALG) (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H) (Shull, Hugh) (Entered: 10/16/2006)
10/16/2006	<u>29</u>	Memorandum of Law <i>in Further Support of City's Motion for Sumary Judgment and in Opposition to Plaintiff's Second Cross-Motion for Partial Summary Judgment and Discovery</i> (related document(s) <u>19</u> , <u>18</u> , <u>21</u>) filed by Hugh H. Shull III on behalf of City of New York. (Attachments: # <u>1</u> Index Cover and Table of Contents) (Shull, Hugh) (Entered: 10/16/2006)
11/17/2006	<u>30</u>	Affidavit of <i>Mark Zion Respecting City's Overstatement of Claim as Per City's Statements of Account</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 11/17/2006)
11/17/2006	<u>31</u>	Affirmation <i>Sur-Reply Affirmation of Daniel A. Zimmerman</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 11/17/2006)
11/17/2006	<u>32</u>	Memorandum of Law <i>Plaintiffs Sur-Reply Memorandum</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 11/17/2006)
11/17/2006	<u>33</u>	(INCORRECT PDF FILE ENTERED) Response to Motion <i>sixteenth stipulation</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman,

		Daniel) Modified on 11/27/2006 (Richards, Beverly). (Entered: 11/17/2006)
11/27/2006	<u>34</u>	Sixteenth So Ordered Stipulation Signed on 11/27/2006. (Porter, Marguerite) (Entered: 11/27/2006)
12/05/2006	<u>35</u>	Reply to Motion <i>Reply of Debra MacFarlane in Response to Debtor's Opposition to the Application of Debra MacFarlane to Dismiss</i> (related document(s) <u>17</u>) filed by Michael Paneth on behalf of Deborah A. MacFarlane. (Attachments: # <u>1</u> Exhibit A) (Paneth, Michael) (Entered: 12/05/2006)
12/06/2006	<u>36</u>	Certificate of Service of <i>Reply of Debra MacFarlane in Response to Debtor's Opposition to the Application of Debra MacFarlane to Dismiss</i> (related document(s) <u>35</u>) filed by Michael Paneth on behalf of Deborah A. MacFarlane. (Paneth, Michael) (Entered: 12/06/2006)
12/06/2006	<u>37</u>	Sur-Reply to Motion of <i>Debra Macfarlane Seeking To Dismiss The Amended Complaint</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 12/06/2006)
01/18/2007	<u>38</u>	Stipulation <i>Seventeenth</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 01/18/2007)
01/22/2007	<u>39</u>	Seventeenth So Ordered Stipulation Signed on 1/22/2007. (Porter, Marguerite) (Entered: 01/22/2007)
02/07/2007	<u>40</u>	Transcript Of Hearing Held On November 30, 2006 At 2:43 PM, Re: Pre-Trial Conference; Motion To Dismiss The First, Nineteenth And Twentieth Causes Of Action Set Forth In Debtor's First Amended Omnibus Complaint; Cross Motion For Partial Summary Judgment And To Join An Additional Party Defendant, etc... filed by TypeWrite Word Processing Service. (Braithwaite, Kenishia) (Entered: 02/14/2007)
03/13/2007	<u>41</u>	Transcript Of Hearing Held On February 13, 2007 At 2:48 PM, Re: Pre-Trial Conference; Motion Filed By The City Of New York To Dismiss The First, Nineteenth And Twentieth Causes Of Action Set Forth In Debtor's First Amended Omnibus Complaint, etc... filed by TypeWrite Word Processing Service. (Braithwaite, Kenishia) (Entered: 03/21/2007)
03/13/2007	<u>42</u>	Transcript Of Hearing Held On January 11, 2007 At 3:03 PM, Re: Pre-Trial Conference; Motion Filed By The City Of New York To Dismiss The First, Nineteenth And Twentieth Causes Of Action Set Forth In Debtor's First Amended Omnibus Complaint, etc... filed by TypeWrite Word Processing Service. (Braithwaite, Kenishia) (Entered: 03/23/2007)
04/25/2007	<u>43</u>	Memorandum of Opinion Signed on 4/25/2007 Regarding Tax Decision Continuation (Porter, Marguerite) (Entered: 04/25/2007)
05/10/2007	<u>44</u>	Notice of Settlement of an Order <i>Dismissing the Complaint as against the City of New York</i> (related document(s) <u>43</u>) filed by Lawrence Jay Brenner on behalf of City of New York. (Attachments: # <u>1</u> Proposed Order# <u>2</u> Certificate of Service)(Brenner, Lawrence) (Entered: 05/10/2007)

05/24/2007	<u>45</u>	Order Signed on 5/24/2007 Dismissing the Complaint as Against Defendant, City of New York (Related Doc # <u>5</u>) (Porter, Marguerite) (Entered: 05/24/2007)
06/04/2007	<u>47</u>	Transcript of <i>Hearing Held on 5/1/2007</i> filed by TypeWrite Word Processing Service. (Richards, Beverly) (Entered: 06/11/2007)
06/05/2007	<u>46</u>	Notice of Appeal filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. Filing fee collected, receipt #172730.(Rouzeau, Anatin) (Entered: 06/07/2007)
06/13/2007	<u>48</u>	Stipulation <i>Nineteenth Stipulation</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 06/13/2007)
06/19/2007	<u>49</u>	Statement of Issues <i>Designation of Record and Statement of Issues on Appeal</i> filed by Daniel A. Zimmerman on behalf of Delafield 246 Corp.. (Zimmerman, Daniel) (Entered: 06/19/2007)
07/09/2007	<u>50</u>	Civil Cover Sheet from U.S. District Court, Case Number: 0706238 Judge Loretta A. Preska (related document(s)46) filed by Clerk's Office of the U.S. Bankruptcy Court. (Rouzeau, Anatin) (Entered: 07/09/2007)

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